

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NXP USA, INC., and NXP B.V.,

Plaintiffs,

v.

IMPINJ, INC.,

Defendant.

Case No. C20-1503-RSM-SKV

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the Honorable S. Kate Vaughan, United States Magistrate Judge. Dkt. #126. After reviewing the briefing submitted by the parties on Defendant Impinj, Inc.'s Motion for Partial Summary Judgment, Dkt. #89, Judge Vaughan agreed with Plaintiffs' request to defer ruling under Rule 56(d). *See id.* at 5. Impinj has filed Objections, arguing that neither Plaintiffs nor Judge Vaughan set forth a valid basis for deferring ruling and that the Report recommends deferring the case "indefinitely." *See* Dkt. #127 at 5. The Court disagrees on both fronts. The Court agrees with Judge Vaughan's reasoned analysis for granting Rule 56(d) relief and finds that the Report recommended the parties advise the Court within 10 days as to the setting of a fixed

1 date for the completion of additional discovery and the filing of supplemental briefing. The
2 Court will adopt this approach in full. *See* Dkt. #126-1.

3 Having reviewed the above Report and Recommendation the objections or responses,
4 and the remaining record, the Court finds and ORDERS:

5 (1) The Court ADOPTS the Report and Recommendation, Dkt. #126.

6
7 (2) The Court DEFERS ruling on and STRIKES the noting date for Defendant's Motion
8 for Partial Summary Judgment, Dkt. #89, pending further discovery. Within ten (10)
9 days of the date of this Order, the parties shall advise the Court of a date upon which
10 additional discovery will be completed and any supplemental briefing filed. The
11 Court will thereafter re-note the motion for consideration.

12
13 (3) Defendant Impinj's Motion for Leave to File Substitute Paper, Dkt. #129, is
14 STRICKEN AS MOOT as the Court has already considered the filing at issue.

15 (4) The Clerk is directed to send copies of this Order to the parties and to Judge
16 Vaughan.

17
18 DATED this 2nd day of September, 2021.

19
20
21 

22 RICARDO S. MARTINEZ
23 CHIEF UNITED STATES DISTRICT JUDGE
24
25
26
27
28